

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUCAS HENRY

Petitioner,

-v.-

Civil Action No.
9:01-cv-1361 (GLS/DEP)

THOMAS RICKS

Respondent.

APPEARANCES:

LUCAS HENRY
Petitioner, *pro se*
95-B-0326
Upstate Correctional Facility
PO Box 2001
309 Bare Hill Road
Malone, New York 12953

HON. ELIOT SPITZER
Attorney General of the State of New York
207 Genesee Street
Utica, New York 13501

G. LAWRENCE DILLON, Esq.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed November 2, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

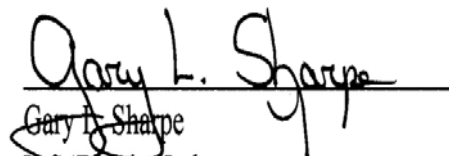
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed November 2, 2005 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition in this matter be DENIED and DISMISSED in its entirety, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Respondent and close this case.

IT IS SO ORDERED

Dated: November 28, 2005
Albany, New York


Gary L. Sharpe
U.S. District Judge